

REMARKS

Claims 1-13 are now pending in the application. Minor amendments have been made to the specification and claims to simply overcome the objections to the specification and rejections of the claims under 35 U.S.C. § 112. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

PRIORITY

Applicant's claim for foreign priority under 35 U.S.C. § 119 is based on four applications, GB 0228661.5, GB 0228845.4, GB 0308565.1, and GB 030854.3. As indicated by the Examiner, certified copies for all of the foreign applications, except GB 0308565.1 have been received. In order to comply with the requirements of 35 U.S.C. § 119, submitted herewith is a certified copy of foreign application GB 0308565.1.

TERMINAL DISCLAIMER

The Examiner provisionally rejected claims 1-10 and 13 under the judicially created doctrine of obviousness-type double patenting. In response, without conceding the correctness of her assertion, but solely to advance the prosecution of the present application, Applicant is submitting herewith a Terminal Disclaimer. Withdrawal of the provisional double patenting rejection is respectfully requested.

DRAWINGS

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. In the "Replacement Sheet(s)," Figures 4, 5, 13, 14, and 16 have been amended to schematically show the motor and the airflow generator; Figures 1 and 2

AMENDMENTS TO THE DRAWINGS

The attached “Replacement Sheet(s)” of drawings includes changes to Figures 1-5, 13, 14, 16, and 17. The attached “Replacement Sheets,” which includes Figures 1-18, replaces the original sheets including Figures 1-18.

Attachment: Replacement Sheet(s)

have been amended to show the first and second exhaust apertures; and Figure 17 has been amended to show the biasing spring in cooperation with the resiliently biased flap.

In regards to the Examiner's objection to the drawings under 37 CFR § 1.83(a) because the drawings fail to show a plastic cap used to seal an aperture, Applicant respectfully submits that one of ordinary skill in the art would understand the placement and usage of a plastic cap to seal up an aperture. Therefore, such a structural detail would not be essential for a proper understanding of the disclosed invention.

With respect to the Examiner's objection to the drawings under 37 CFR § 1.84(p)(5) because they include reference characters "12" and "T" not mentioned in the description, Applicant refers the Examiner to paragraph [0007] which includes reference character "12" and to paragraph [0011] which includes reference character "T."

Regarding the Examiner's objection to the drawings under 37 CFR § 1.84(p)(4) because the reference character "52" has been used to designate two different structures, paragraph [0011] of the specification has been amended to reflect that the reference character "52" only designates one structure, the expulsion aperture.

In view of the preceding amendments and remarks, Applicant respectfully requests the withdrawal of the Examiner's objections to the drawings.

SPECIFICATION

The specification stands objected to for certain informalities. Applicant has amended the specification to overcome the Examiner's objections. Therefore, reconsideration and withdrawal of these objections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-13 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Examiner rejected claims 1-3 because the specification makes no reference to the term “exhaust aperture” and the specification fails to describe in detail the arrangement of a first and second exhaust aperture. Applicant has amended paragraph [0009] of the specification and has amended Figures 1 and 2 to further clarify the reference to the term “exhaust aperture” and to describe in detail the arrangement of a first and second exhaust aperture.

The Examiner also rejected claim 10 because neither the specification nor the drawings appear to provide support for the following element: “. . .third direction of the nozzle airflow and the first direction of the debris intersect at an acute angle.” Applicant respectfully refers the Examiner to paragraph [0016] and Figure 16 for support for the identified element.

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner rejected claim 1 because of a lack of antecedent basis for the term “exhaust aperture” in the disclosure. Applicant has amended paragraph [0009] of the specification to provide the proper antecedent basis for the term “exhaust aperture” in the disclosure.

The Examiner also rejected claim 2 because the first and second exhaust apertures are not positively supported in the specification. Applicant has amended paragraph [0009] of the specification and has amended Figures 1 and 2 to positively support and to describe in detail the arrangement of a first and second exhaust aperture.

The Examiner rejected claim 10 because it is not clear whether the term “aperture” refers to the exhaust aperture or the expulsion aperture and for antecedent basis. Applicant has amended claim 10 to clarify that the term “aperture” refers to the expulsion aperture and has corrected the lack of antecedent basis.

The Examiner also rejected claim 11 because of a lack of antecedent basis for the term “expulsion aperture.” Applicant has amended claim 11 to correct the lack of antecedent basis.

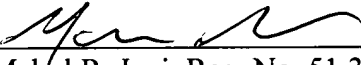
Finally, the Examiner rejected claim 7 because no function was specified by the words preceding the term “biasing means” and for lack of antecedent basis. Applicant has amended claim 7, as suggested by the Examiner, from “biasing means” to “means for biasing” and has corrected the lack of antecedent basis.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 716-2886.

Respectfully submitted,

Dated: 8/26/07

By: 
Mehul R. Jani, Reg. No. 51,380

The Black and Decker Corporation
701 E. Joppa Road, TW 199
Towson, MD 21286
(410) 716-2886

[MRJ/edp]